

I certify that the attached is a true and correct copy of HB 1952, which was filed of record on 3-12-81 and referred to the committee on:

FILED MAR 19 1981

Intergov. Affairs  
Dorothy Murray  
Chief Clerk of the House

By J. Lewis

H.B. No. 1952

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at two [a] public hearings [hearing] to be held not more than forty (40) [~~twenty-(20)~~] days nor less than twenty (20) [~~ten-(10)~~] days prior to institution of such proceedings. At least one (1) public hearing shall be held within the area proposed to be annexed. Notice of such hearings [hearing] shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice for each hearing shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to that [~~the~~] hearing. Additional notice by certified mail should be given to railroad companies then serving the city and on the city's tax roll where the right-of-way thereof is included in the territory to be annexed. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the

1 governing body of such city institutes annexation proceedings or be  
2 null and void. Provided, however, any period of time during which  
3 a city is restrained or enjoined from annexing any such territory  
4 by a court of competent jurisdiction shall not be computed in such  
5 90-day limitation period.

6 SECTION 2. Section 10, Municipal Annexation Act, as amended  
7 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
8 as follows:

9 Sec. 10. DISANNEXATION. A. Prior to the publication of  
10 notice of a hearing required under Section 6 of this Act, the  
11 governing body of the city proposing the annexation shall direct  
12 its planning or other appropriate department to prepare a service  
13 plan that provides for the extension of municipal services into  
14 each area to be annexed. For purposes of this section, providing  
15 services includes having services provided by any method or means  
16 by which the city extends municipal services to any other area of  
17 the city.

18 B. The service plan shall include:

19 (1) a program under which the city will provide police  
20 protection, fire protection, solid waste collection, maintenance of  
21 water and waste water facilities, maintenance of roads and streets  
22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
2 for providing municipal services for the particular area, the  
3 construction to begin within 2-1/2 years of the effective date of  
4 the annexation of the particular annexed area, and the acquisition  
5 or construction of the facilities to be accomplished by purchase,  
6 lease, or other contract or by the city's succeeding to the powers,  
7 duties, assets, and obligations of conservation and reclamation  
8 districts, as may be authorized or required by law.

9 C. In no event shall a service plan provide fewer services  
10 or a lower level of services in the area to be annexed than were in  
11 existence in that area at the time immediately preceding the  
12 annexation.

13 D. In the event that only a part of the area to be annexed  
14 is actually annexed, the governing body shall direct its planning  
15 or other appropriate department to prepare a revised service plan  
16 for the part actually to be annexed.

17 E. The proposed service plan shall be made available for  
18 inspection and explained to the inhabitants of the area to be  
19 annexed at the public hearings held under Section 6 of this Act.  
20 The plan may be amended through negotiation at those hearings but  
21 cannot have provision of any service deleted from it. On the  
22 completion of the public hearings, the service plan shall be  
23 attached to the ordinance annexing the area and approved as part of  
24 that ordinance. On approval by the governing body of the annexing  
25 city, the plan shall be construed as a contractual obligation, not  
26 subject to amendment or repeal unless the governing body determines  
27 at the hearings required by this subsection that changed conditions

1 or subsequent occurrences make the plan unworkable or obsolete. If  
2 the governing body determines that all or part of a plan is  
3 unworkable or obsolete, the governing body may amend the plan to  
4 conform to changed conditions or subsequent occurrences. An  
5 amended service plan shall provide for services comparable to or  
6 better than those established in the service plan before amendment,  
7 and before any amendment is adopted, the governing body must first  
8 provide an opportunity for all interested persons to be heard at  
9 public hearings called and held in the manner provided in Section 6  
10 of this Act.

11 F. From and after the effective date of this Act, any city  
12 annexing a particular area shall [~~within three (3) years of the~~  
13 ~~effective date of such annexation~~] provide or cause to be provided  
14 such area with [~~governmental--and--proprietary~~] services in  
15 accordance with the service plan required under this Section[~~--the~~  
16 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~  
17 ~~standard--and--scope--of--governmental--and--proprietary--services~~  
18 ~~furnished--by--such--city--in--other--areas--of--such--city--which--have~~  
19 ~~characteristics--of--topography,--patterns--of--land--utilization,--and~~  
20 ~~population--density--similar--to--that--of--the--particular--area--annexed~~].

21 In the event a city fails or refuses to provide or cause to be  
22 provided such services within the time specified in the service  
23 plan for that area or in this Act [herein], a majority of the  
24 qualified voters residing within such particular annexed area [and  
25 ~~the--owners--of--fifty--per--cent--(50%)--or--more--of--the--land--in--such~~  
26 ~~particular--annexed--area,--which--area--must--adjoin--the--outer~~  
27 ~~boundaries--of--the--city,~~] may petition the governing body of such

1 city to disannex such particular annexed area. Should the  
2 governing body of such city fail or refuse to disannex such  
3 particular annexed area within sixty (60) [~~ninety-(90)~~] days after  
4 receipt of a valid petition, any one or more of the signers of such  
5 petition may[~~7--within-sixty-(60)-days-of-the-date-of-such-failure~~  
6 ~~or-refusal;~~] file in a district court in the county [~~of--the~~  
7 ~~district~~] in which such annexed area [~~city~~] is principally located  
8 an action requesting that the particular annexed area be  
9 disannexed. Upon the filing of an answer in such cause by the  
10 governing body of the annexing [~~such~~] city, and upon application of  
11 either party, the case shall be advanced and heard without further  
12 delay, all in accordance with the Texas Rules of Civil Procedure.  
13 Upon hearing of the case, if the district court finds that a valid  
14 petition was filed with the city, and that the city failed to  
15 perform its obligations in accordance with a service plan or failed  
16 to perform in good faith [~~that--the--particular--annexed--area--is~~  
17 ~~otherwise--eligible--for-disannexation-under-the-provisions-of-this~~  
18 ~~Section,--and--that--the--standard--and--scope--of--governmental--and~~  
19 ~~proprietary--services--provided--or--caused--to-be-provided-to-such~~  
20 ~~particular-annexed-area-are-not--substantially--equivalent--to--the~~  
21 ~~standard---and--scope--of--governmental--and--proprietary--services~~  
22 ~~provided-or-caused-to-be-provided-other-areas-of-such--city--having~~  
23 ~~characteristics--of--topography,--patterns--of-land-utilization-and~~  
24 ~~population-density-similar-to-that-of-the-particular-annexed-area~~],  
25 it shall enter an order disannexing such particular annexed area.  
26 A municipal utility district may be created in the disannexed area  
27 under Chapter 54, Water Code, as amended, without consent of the

1 city from which the area has been disannexed. [Provided, however,  
2 that the right of disannexation provided for in this Section shall  
3 not be available to any particular annexed area which was lawfully  
4 within the city limits of a city at the time of the approval or  
5 sale of any general obligation bonds of the city if proceeds  
6 therefrom have been expended for capital improvements to serve such  
7 particular annexed area, so long as any such bonds are  
8 outstanding.]

9 G.[B]. When any such area is disannexed under [the  
10 provisions of] this Section, it shall not again be annexed within  
11 five (5) years [one (1) year] of such disannexation, and, if it is  
12 again annexed within seven (7) [three (3)] years of disannexation,  
13 the period for implementation of a service plan [for affording such  
14 services as are required by this Section] shall not exceed [be] one  
15 (1) year from reannexation [rather than three (3) years as in other  
16 cases].

17 H.[C]. The request and petition for disannexation provided  
18 for in Subsection G [A] of this Section [of this Act] shall be made  
19 by the qualified voters [and landowners] signing and presenting to  
20 the city secretary a written petition requesting disannexation.  
21 The signatures to the petition need not be appended to one paper,  
22 but each signer shall sign his or her name in ink or indelible  
23 pencil, and each signer signing the petition as a qualified voter  
24 shall sign his or her name as it appears on the official copy of  
25 the current voter registration list [poll list or an official copy  
26 of the current list of exempt voters] and each qualified voter  
27 shall note on such petition his or her residence address and the

1 precinct number and serial number that appear on his or her [petit  
2 tax--receipt,--exemption--certificate,---or---such---other] voter  
3 registration certificate that may be provided for by law. [Each  
4 landowner-signing-the-petition-shall-note-thereon-opposite--his--or  
5 her--name--the--approximate-total-acreage-he-or-she-owns-within-the  
6 particular--annexed--area.] The petition shall describe the  
7 particular annexed area to be disannexed and have attached to it a  
8 plat, map, or other likeness of the [particular] annexed area.  
9 Prior to circulating the petition for disannexation among the  
10 qualified voters [and-landowners], notice of the petition shall be  
11 given by means of posting for ten (10) days a copy of the petition  
12 in three (3) public places in the [particular] annexed area and by  
13 publishing it for one (1) time [issue] in a newspaper or newspapers  
14 of general circulation serving the [particular] annexed area at  
15 least fifteen (15) days prior to the circulation of the petition.  
16 Proof of posting and publication of the notice shall be made by  
17 attaching to the petition presented to the city secretary: (1) the  
18 sworn affidavit of any qualified voter who signed the petition  
19 stating the places where and the dates when the petition was  
20 posted, and (2) the sworn affidavit of the publisher of the  
21 newspaper or newspapers setting forth the name of the newspaper or  
22 newspapers and the issue and date in which the notice was  
23 published. [In--addition,--there-shall-be-attached-to-the-petition  
24 the-sworn-affidavit-of-three-(3)-or-more-qualified--voters--signing  
25 the--petition,--if--there-be-that-many,--stating-the-total-number-of  
26 qualified-voters-residing-in-the-particular-annexed--area--and--the  
27 approximate-total-acreage-within-such-particular-annexed-area.]

1           SECTION 3.   The importance of this legislation and the  
2 crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.



By

*Collect*  
*Lewis*

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# HOUSE COMMITTEE REPORT

1ST PRINTING

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22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
2 for providing municipal services for the particular area, the  
3 construction to begin within 2-1/2 years of the effective date of  
4 the annexation of the particular annexed area, and the acquisition  
5 or construction of the facilities to be accomplished by purchase,  
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 13 effective-date-of-such-annexation] provide or cause to be provided  
 14 such area with [~~governmental--and--proprietary~~] services in  
 15 accordance with the service plan required under this Section[~~7--the~~  
 16 standard--and--scope--of--which-are-substantially-equivalent-to-the  
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 18 furnished--by--such--city--in--other--areas-of-such-city-which-have  
 19 characteristics-of-topography, patterns-of-land-utilization, and  
 20 population-density-similar-to-that-of-the-particular-area-annexed].

21 In the event a city fails or refuses to provide or cause to be  
 22 provided such services within the time specified in the service  
 23 plan for that area or in this Act [herein], a majority of the  
 24 qualified voters residing within such particular annexed area [and  
 25 the--owners--of--fifty--per--cent-(50%)--or-more-of-the-land-in-such  
 26 particular--annexed--area, which--area--must--adjoin--the--outer  
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city to disannex such particular annexed area. Should the governing body of such city fail or refuse to disannex such particular annexed area within sixty (60) [~~ninety-(90)~~] days after receipt of a valid petition, any one or more of the signers of such petition may [~~7--within-sixty-(60)-days-of-the-date-of-such-failure-or-refusal,~~] file in a district court in the county [~~of--the district~~] in which such annexed area [~~city~~] is principally located an action requesting that the particular annexed area be disannexed. Upon the filing of an answer in such cause by the governing body of the annexing [~~such~~] city, and upon application of either party, the case shall be advanced and heard without further delay, all in accordance with the Texas Rules of Civil Procedure. Upon hearing of the case, if the district court finds that a valid petition was filed with the city, and that the city failed to perform its obligations in accordance with a service plan or failed to perform in good faith [~~that--the--particular--annexed--area--is otherwise--eligible--for-disannexation-under-the-provisions-of-this Section,--and--that--the--standard--and--scope--of--governmental--and proprietary--services--provided--or--caused--to-be-provided-to-such particular-annexed-area-are-not--substantially--equivalent--to--the standard---and--scope--of--governmental--and--proprietary--services provided-or-caused-to-be-provided-other-areas-of-such--city--having characteristics--of--topography,--patterns--of-land-utilization-and population-density-similar-to-that-of-the-particular-annexed-area~~], it shall enter an order disannexing such particular annexed area. A municipal utility district may be created in the disannexed area under Chapter 54, Water Code, as amended, without consent of the

city from which the area has been disannexed. [~~Provided, however,~~  
~~that the right of disannexation provided for in this Section shall~~  
~~not be available to any particular annexed area which was lawfully~~  
~~within the city limits of a city at the time of the approval or~~  
~~sale of any general obligation bonds of the city if proceeds~~  
~~therefrom have been expended for capital improvements to serve such~~  
~~particular annexed area, so long as any such bonds are~~  
~~outstanding.~~]

G [B]. When any such area is disannexed under [the  
~~provisions of~~] this Section, it shall not again be annexed within  
five (5) years [~~one (1) year~~] of such disannexation, and, if it is  
again annexed within seven (7) [~~three (3)~~] years of disannexation,  
the period for implementation of a service plan [~~for affording such~~  
~~services as are required by this Section~~] shall not exceed [be] one  
(1) year from reannexation [~~rather than three (3) years as in other~~  
~~cases~~].

H [C]. The request and petition for disannexation provided  
for in Subsection G [A] of this Section [~~of this Act~~] shall be made  
by the qualified voters [~~and landowners~~] signing and presenting to  
the city secretary a written petition requesting disannexation.  
The signatures to the petition need not be appended to one paper,  
but each signer shall sign his or her name in ink or indelible  
pencil, and each signer signing the petition as a qualified voter  
shall sign his or her name as it appears on the official copy of  
the current voter registration list [~~poll list or an official copy~~  
~~of the current list of exempt voters~~] and each qualified voter  
shall note on such petition his or her residence address and the

precinct number and serial number that appear on his or her [~~poll~~  
~~tax--receipt,--exemption--certificate,---or---such---other~~] voter  
 registration certificate that may be provided for by law. [~~Each~~  
~~landowner--signing--the--petition--shall--note--thereon--opposite--his--or~~  
~~her--name--the--approximate--total--acreage--he--or--she--owns--within--the~~  
~~particular--annexed--area-~~] The petition shall describe the  
 particular annexed area to be disannexed and have attached to it a  
 plat, map, or other likeness of the [~~particular~~] annexed area.  
 Prior to circulating the petition for disannexation among the  
 qualified voters [~~and--landowners~~], notice of the petition shall be  
 given by means of posting for ten (10) days a copy of the petition  
 in three (3) public places in the [~~particular~~] annexed area and by  
 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
 of general circulation serving the [~~particular~~] annexed area at  
 least fifteen (15) days prior to the circulation of the petition.  
 Proof of posting and publication of the notice shall be made by  
 attaching to the petition presented to the city secretary: (1) the  
 sworn affidavit of any qualified voter who signed the petition  
 stating the places where and the dates when the petition was  
 posted, and (2) the sworn affidavit of the publisher of the  
 newspaper or newspapers setting forth the name of the newspaper or  
 newspapers and the issue and date in which the notice was  
 published. [~~In--addition,--there--shall--be--attached--to--the--petition~~  
~~the--sworn--affidavit--of--three--(3)--or--more--qualified--voters--signing~~  
~~the--petition,--if--there--be--that--many,--stating--the--total--number--of~~  
~~qualified--voters--residing--in--the--particular--annexed--area--and--the~~  
~~approximate--total--acreage--within--such--particular--annexed--area-~~]



H.B. No. 1952

1           SECTION 3.   The importance of this legislation and the  
2 crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.



COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

4-29-81  
(date)

Sir:

We, your COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, to whom was referred HB 1952, have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ) do pass, without amendment.  
(X) do pass, with amendment(s).  
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no

An author's fiscal statement was requested. ( ) yes (X) no

An actuarial analysis was requested. ( ) yes (X) no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

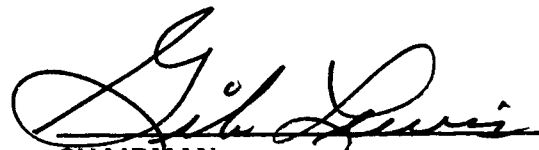

This measure (X) proposes new law. and  
(X) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_.

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis, Ch.	X			
Pierce, V.C.	X			
Edwards, C.B.O.				X
Adkisson	X			
Colbert	X			
Criss	X			
Emmett	X			
Gavin	X			
Keller	X			
Lee, D.	X			
Pennington				X
Salinas				X
Wallace				X

Total  
9 aye  
0 nay  
0 present, not voting  
4 absent

  
CHAIRMAN  
  
COMMITTEE COORDINATOR

## INTERGOVERNMENTAL AFFAIRS

HOUSE BILL 1952 by Lewis-Coody

Political Divisions Affected:  
All cities

### BILL ANALYSIS

#### Background Information:

Article 970a, V.T.C.S., establishes extraterritorial jurisdiction (ETJ) and annexation procedures for incorporated municipalities. The ETJ of a city is the unincorporated area contiguous to the city limits and varies from extending 1/2 mile to extending 5 miles beyond these limits, depending on a city's population. An area which is within the ETJ of more than one city may be partitioned among them through a written agreement concluded by the concerned governing bodies. If agreement cannot be reached, any one city may petition for court division of the area. A city's ETJ expands upon annexation of additional territory; it cannot, however, expand to conflict with that of another city.

The ETJ of a city cannot be included in municipal taxation. A city can extend its provisions concerning plats and the subdivision of land to the ETJ, but no sanctions are included. The city may appeal to a district court for injunctive relief in case of non-compliance. Any part of the territory within an ETJ can be declared an industrial district. The city can enter into contracts with businesses in the district, providing such contracts are not made for longer than seven years duration. The city may provide firefighting services in the industrial district.

A city cannot be incorporated within the ETJ of another city without permission from the existing governing body. If the city's governing body will not agree to the incorporation of a city within its ETJ, a majority of voters and 50% of the landowners in the disputed area desiring to incorporate may petition to be annexed by the city. If annexation does not occur within six months, the territory is authorized to incorporate. The same petitioning process may be used to obtain water and sewage services in an unincorporated area in a city's ETJ either by the creation of a new political subdivision in the area or by an agreement between the governing body and the people in the area. If the incorporation of a city or the creation of a political subdivision to provide water and sewage services is authorized by the above proceedings, appropriate action must begin within six months of authorization and be completed within 18 months. Petitions submitted according to these procedures must receive posting and publication notices at least 15 days prior to being circulated.

Article 970a, V.T.C.S., governs annexation proceedings as well. A city may only annex territory within its ETJ, unless outside territory is owned by the city. The total amount of annexed land cannot exceed 10% of the total corporate area of the city at the beginning of the year; territory annexed upon request of owners or voters and annexed territory owned by the city, county, state, or federal government and used for a public purpose are excluded from this 10%. If the entire 10% is not used, it may be carried over to the amount the city can annex the next year. The total annexation for one year, however, cannot exceed 30% of the city's original corporate area. Between 10 and 20 days prior to the institution of any annexation proceedings, a public hearing must be held to allow all interested persons to present their views. Notice of the hearing must be published in a newspaper of general circulation at least once from 10 to 20 days before the hearing.

All annexations must be of territory at least 500 feet wide at its narrowest point, unless the annexing city has 12,000 people or less. Towns of this size may annex narrower areas if the territory is contiguous to the city limits on two sides. Also, two cities may conclude an agreement adjusting their boundaries when the area between them is less than 500 feet. Land on islands bordering the

Gulf of Mexico may not be annexed without the consent of the owners. Annexation does not affect railroad switching limits or rates. A city may annex a reservoir owned by the city and used to provide water for the city, including the right-of-way along the most direct route from the city to the reservoir, even though the territory is outside the city's ETJ and less than 500 feet wide. The land must be within five miles of the city limits; it may not lie within the ETJ of another city. The total land annexed may not exceed 600 acres. Similarly, a municipal airport and its connecting road-ways may be annexed, even within another city's ETJ, if the other city agrees. The airport can be up to eight miles away from the city limits.

A city cannot annex a portion of a water or sewer district without annexing the entire territory in the district which lies outside the city limits. It need not, however, annex land in another city's ETJ. Restrictions on annexation of property only within a city's ETJ are waived if at least half of the district lies within the city's limits or ETJ or if the city is only annexing territory that is part of the water or sewer district. The entire portion of a district may be annexed even if this exceeds the 10% increase in city size; this prohibits any further annexation by the city in that year.

The failure to provide, within three years of annexation, governmental and proprietary services to an annexed territory is grounds for disannexation. These services must be equal to those furnished by the city in similar areas already within the city limits. If adequate services are not provided, a majority of the voters and 50% of the landowners in the area may petition the governing body to disannex this area. The petition requirements are the same as those for a petition to incorporate or obtain water and sewage services. If the city refuses disannexation, anyone signing the petition may appeal to the district court for disannexation. The city has 90 days to disannex the area and the petitioners have 60 days to file in court. If the court finds that a valid petition was filed and the area is not receiving appropriate services, it will disannex the area. No territory that was within the city at the time of a bond issuance providing capital improvements to the area may be disannexed while the bonds are outstanding. A disannexed area may not be re-annexed within one year. If it is annexed again, the city has only one year to provide necessary services.

#### Purpose and Synopsis of Bill:

House Bill 1952 amends Article 970a, V.T.C.S., to change hearing and disannexation procedures. With the implementation of this bill, two public hearings would be required from 20 to 40 days prior to the institution of annexation proceedings. At least one of the hearings must be held in the area the city wishes to annex.

Before holding annexation hearings, the governing body of the city proposing annexation must provide a plan of the method of extending municipal services to the new area. The plan must be available for inspection prior to the hearings. It may be revised or amended by the city's governing body, but no such changes can be made without holding public hearings as provided above. No changes can cause fewer or poorer services to be provided. Capital construction necessary to the provision of adequate services must begin within 2 1/2 years of the effective date of the annexation. Services such as police and fire protection, waste collection, and the maintenance of water facilities, parks, and other publicly owned facilities or services must be provided within 60 days. Services in the annexed area cannot be less than those available in the area before annexation.

If the city does not provide service in accordance with its plan and within the specified time limits, a majority of qualified voters may, without the additional requirement of owners of 50% of the land in the territory, petition for disannexation. The city has 60 days to complete disannexation; if it fails or

refuses to comply, anyone who signed the petition may appeal to the district court for court-ordered disannexation. If the court finds that the city did not fulfill its obligations and disannexes the territory, that territory may become a municipal utility district without the city's consent. Such a disannexed area cannot again be annexed for five years. If it is re-annexed within seven years, the city must implement its service plan within one year.

Language in Article 970a is updated and changed to conform with changes in procedures authorized under this bill. An emergency is declared.

Rulemaking Authority:

It is the opinion of this Committee that this bill does not delegate any rulemaking authority to a state official, agency, department, or institution.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on 4-1-81. The bill was referred to a subcommittee consisting of the following members: Lee, chair; Colbert; Keller; Emmett; and Pennington.

Testifying FOR the bill was Joe Bilardi, director, Department of Development in Fort Worth, representing the Fort Worth City Council.

On 4-23-81 the measure was reported back to the full committee with two amendments which provided that no funds from bond sales can be used in the annexed area for 180 days and that service plans end after ten years.

On 4-29-81 the full committee voted to report H.B. 1952 to the Floor with the same two amendments and the recommendation that it do pass by a record vote of 9 ayes and 0 nays.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 25, 1981

Honorable Gib Lewis, Chairman  
Committee on Intergovernmental Affairs  
House of Representatives  
Austin, Texas

In Re: House Bill No. 1952  
By: Lewis


Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Bill No. 1952 (relating to annexation of, providing services to, and disannexation of certain areas) to be as follows:

The bill, should it be enacted, would amend the Municipal Annexation Act to require a city contemplating annexation of an area to hold two public hearings on the matter, rather than the present one. It would also require the city to develop a plan whereby most municipal services would be provided to the annexed area within 60 days after annexation, with capital improvements to begin within 2-1/2 years. The bill provides a process by which the citizens of an annexed area may seek disannexation if the provisions of the service plan are not substantially met within the time limits set in the proposed statute. The bill would also allow disannexed areas to form municipal utility districts and would bar a city from reannexing an area within five years of a disannexation.

The fiscal implications of the bill cannot be determined, since future annexations by Texas cities and the cities' likely success in providing services within the new time limits are not known.

No fiscal implication or additional cost to the State attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

Committee Amendment No. 1

By: Colt

Amend House Bill 1952 by inserting the following on Line 8, page 3:

"No moneys received from the sale of bonds or evidenced by other instruments of indebtedness may be allocated to the annexed area for a period of one hundred and eighty (180) days."

**ADOPTED**

MAY 11 1981

*Betty Murray*  
Chief Clerk  
House of Representatives

*AB*



Committee Amendment No. **2**

By: Collet

Amend House Bill 1952 on line 10, page 4, by inserting the following:

"Service plans shall be valid for ten (10) years. Renewal shall be at the discretion of the city."

**ADOPTED**

MAY 11 1981

*Betty Murray*  
Chief Clerk  
House of Representatives

ENGROSSED  
SECOND READING

By Lewis, et al.

H.B. No. 1952

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation  
of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended  
(Article 970a, Vernon's Texas Civil Statutes), is amended to read  
as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before  
any city may institute annexation proceedings, the governing body  
of such city shall provide an opportunity for all interested  
persons to be heard at two [a] public hearings [hearing] to be held  
not more than forty (40) [~~twenty-(20)~~] days nor less than twenty  
(20) [~~ten-(10)~~] days prior to institution of such proceedings. At  
least one (1) public hearing shall be held within the area proposed  
to be annexed. Notice of such hearings [hearing] shall be  
published in a newspaper having general circulation in the city and  
in the territory proposed to be annexed. The notice for each  
hearing shall be published at least once in such newspaper not more  
than twenty (20) days nor less than ten (10) days prior to that  
[the] hearing. Additional notice by certified mail should be given  
to railroad companies then serving the city and on the city's tax  
roll where the right-of-way thereof is included in the territory to  
be annexed. Annexation of territory by a city shall be brought to  
completion within ninety (90) days of the date on which the

1 governing body of such city institutes annexation proceedings or be  
2 null and void. Provided, however, any period of time during which  
3 a city is restrained or enjoined from annexing any such territory  
4 by a court of competent jurisdiction shall not be computed in such  
5 90-day limitation period.

6 SECTION 2. Section 10, Municipal Annexation Act, as amended  
7 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
8 as follows:

9 Sec. 10. DISANNEXATION. A. Prior to the publication of  
10 notice of a hearing required under Section 6 of this Act, the  
11 governing body of the city proposing the annexation shall direct  
12 its planning or other appropriate department to prepare a service  
13 plan that provides for the extension of municipal services into  
14 each area to be annexed. For purposes of this Section, providing  
15 services includes having services provided by any method or means  
16 by which the city extends municipal services to any other area of  
17 the city.

18 B. The service plan shall include:

19 (1) a program under which the city will provide police  
20 protection, fire protection, solid waste collection, maintenance of  
21 water and waste water facilities, maintenance of roads and streets  
22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
 2 for providing municipal services for the particular area, the  
 3 construction to begin within 2-1/2 years of the effective date of  
 4 the annexation of the particular annexed area, and the acquisition  
 5 or construction of the facilities to be accomplished by purchase,  
 6 lease, or other contract or by the city's succeeding to the powers,  
 7 duties, assets, and obligations of conservation and reclamation  
 8 districts, as may be authorized or required by law. No moneys  
 9 received from the sale of bonds or evidenced by other instruments  
 10 of indebtedness may be allocated to the annexed area for a period  
 11 of one hundred and eighty (180) days.

12 C. In no event shall a service plan provide fewer services  
 13 or a lower level of services in the area to be annexed than were in  
 14 existence in that area at the time immediately preceding the  
 15 annexation.

16 D. In the event that only a part of the area to be annexed  
 17 is actually annexed, the governing body shall direct its planning  
 18 or other appropriate department to prepare a revised service plan  
 19 for the part actually to be annexed.

20 E. The proposed service plan shall be made available for  
 21 inspection and explained to the inhabitants of the area to be  
 22 annexed at the public hearings held under Section 6 of this Act.  
 23 The plan may be amended through negotiation at those hearings but  
 24 cannot have provision of any service deleted from it. On the  
 25 completion of the public hearings, the service plan shall be  
 26 attached to the ordinance annexing the area and approved as part of  
 27 that ordinance. On approval by the governing body of the annexing

1 city, the plan shall be construed as a contractual obligation, not  
2 subject to amendment or repeal unless the governing body determines  
3 at the hearings required by this subsection that changed conditions  
4 or subsequent occurrences make the plan unworkable or obsolete. If  
5 the governing body determines that all or part of a plan is  
6 unworkable or obsolete, the governing body may amend the plan to  
7 conform to changed conditions or subsequent occurrences. An  
8 amended service plan shall provide for services comparable to or  
9 better than those established in the service plan before amendment,  
10 and before any amendment is adopted, the governing body must first  
11 provide an opportunity for all interested persons to be heard at  
12 public hearings called and held in the manner provided in Section 6  
13 of this Act. Service plans shall be valid for ten (10) years.  
14 Renewal shall be at the discretion of the city.

15 F. From and after the effective date of this Act, any city  
16 annexing a particular area shall [~~within three (3) years of the~~  
17 ~~effective date of such annexation~~] provide or cause to be provided  
18 such area with [~~governmental--and--proprietary~~] services in  
19 accordance with the service plan required under this Section[~~7--the~~  
20 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~  
21 ~~standard--and--scope--of--governmental--and--proprietary--services~~  
22 ~~furnished--by--such--city--in--other--areas--of--such--city--which--have~~  
23 ~~characteristics--of--topography, patterns--of--land--utilization,--and~~  
24 ~~population--density--similar--to--that--of--the--particular--area--annexed~~].  
25 In the event a city fails or refuses to provide or cause to be  
26 provided such services within the time specified in the service  
27 plan for that area or in this Act [herein], a majority of the

1 qualified voters residing within such particular annexed area [and  
 2 the--owners--of--fifty--per--cent--(50%)--or--more--of--the--land--in--such  
 3 particular--annexed--area,--which--area--must--adjoin--the--outer  
 4 boundaries--of--the--city,] may petition the governing body of such  
 5 city to disannex such particular annexed area. Should the  
 6 governing body of such city fail or refuse to disannex such  
 7 particular annexed area within sixty (60) [ninety-(90)] days after  
 8 receipt of a valid petition, any one or more of the signers of such  
 9 petition may[~~--within--sixty--(60)--days--of--the--date--of--such--failure~~  
 10 ~~or--refusal,~~] file in a district court in the county [of--the  
 11 district] in which such annexed area [city] is principally located  
 12 an action requesting that the particular annexed area be  
 13 disannexed. Upon the filing of an answer in such cause by the  
 14 governing body of the annexing [such] city, and upon application of  
 15 either party, the case shall be advanced and heard without further  
 16 delay, all in accordance with the Texas Rules of Civil Procedure.  
 17 Upon hearing of the case, if the district court finds that a valid  
 18 petition was filed with the city, and that the city failed to  
 19 perform its obligations in accordance with a service plan or failed  
 20 to perform in good faith [~~that--the--particular--annexed--area--is~~  
 21 ~~otherwise--eligible--for--disannexation--under--the--provisions--of--this~~  
 22 ~~Section,--and--that--the--standard--and--scope--of--governmental--and~~  
 23 ~~proprietary--services--provided--or--caused--to--be--provided--to--such~~  
 24 ~~particular--annexed--area--are--not--substantially--equivalent--to--the~~  
 25 ~~standard--and--scope--of--governmental--and--proprietary--services~~  
 26 ~~provided--or--caused--to--be--provided--other--areas--of--such--city--having~~  
 27 ~~characteristics--of--topography,--patterns--of--land--utilization--and~~

1 population-density-similar-to-that-of-the-particular-annexed-area],  
 2 it shall enter an order disannexing such particular annexed area.  
 3 A municipal utility district may be created in the disannexed area  
 4 under Chapter 54, Water Code, as amended, without consent of the  
 5 city from which the area has been disannexed. [Provided, however,  
 6 ~~that-the-right-of-disannexation-provided-for-in-this-Section--shall~~  
 7 ~~not--be-available-to-any-particular-annexed-area-which-was-lawfully~~  
 8 ~~within-the-city-limits-of-a-city-at-the-time--of--the--approval--or~~  
 9 ~~sale--of--any--general--obligation--bonds--of--the-city-if-proceeds~~  
 10 ~~therefrom-have-been-expended-for-capital-improvements-to-serve-such~~  
 11 ~~particular--annexed--area,--so--long--as--any--such--bonds--are~~  
 12 ~~outstanding.~~]

13 G [B]. When any such area is disannexed under [the  
 14 ~~provisions-of~~] this Section, it shall not again be annexed within  
 15 five (5) years [~~one-(1)-year~~] of such disannexation, and, if it is  
 16 again annexed within seven (7) [~~three-(3)~~] years of disannexation,  
 17 the period for implementation of a service plan [~~for-affording-such~~  
 18 ~~services-as-are-required-by-this-Section~~] shall not exceed [be] one  
 19 (1) year from reannexation [~~rather-than-three-(3)-years-as-in-other~~  
 20 ~~eases~~].

21 H [E]. The request and petition for disannexation provided  
 22 for in Subsection F [A] of this Section [~~of-this-Act~~] shall be made  
 23 by the qualified voters [~~and-landowners~~] signing and presenting to  
 24 the city secretary a written petition requesting disannexation.  
 25 The signatures to the petition need not be appended to one paper,  
 26 but each signer shall sign his or her name in ink or indelible  
 27 pencil, and each signer signing the petition as a qualified voter

1 shall sign his or her name as it appears on the official copy of  
 2 the current voter registration list [~~poll-list-or-an-official-copy~~  
 3 ~~of-the-current-list-of-exempt-voters~~] and each qualified voter  
 4 shall note on such petition his or her residence address and the  
 5 precinct number and serial number that appear on his or her [~~poll~~  
 6 ~~tax--receipt,--exemption--certificate,---or---such---other~~] voter  
 7 registration certificate that may be provided for by law. [Each  
 8 ~~landowner-signing-the-petition-shall-note-thereon-opposite--his--or~~  
 9 ~~her--name--the--approximate-total-acreage-he-or-she-owns-within-the~~  
 10 ~~particular--annexed--area-~~] The petition shall describe the  
 11 particular annexed area to be disannexed and have attached to it a  
 12 plat, map, or other likeness of the [~~particular~~] annexed area.  
 13 Prior to circulating the petition for disannexation among the  
 14 qualified voters [~~and-landowners~~], notice of the petition shall be  
 15 given by means of posting for ten (10) days a copy of the petition  
 16 in three (3) public places in the [~~particular~~] annexed area and by  
 17 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
 18 of general circulation serving the [~~particular~~] annexed area at  
 19 least fifteen (15) days prior to the circulation of the petition.  
 20 Proof of posting and publication of the notice shall be made by  
 21 attaching to the petition presented to the city secretary: (1) the  
 22 sworn affidavit of any qualified voter who signed the petition  
 23 stating the places where and the dates when the petition was  
 24 posted, and (2) the sworn affidavit of the publisher of the  
 25 newspaper or newspapers setting forth the name of the newspaper or  
 26 newspapers and the issue and date in which the notice was  
 27 published. [~~In--addition,--there-shall-be-attached-to-the-petition~~



1 the-sworn-affidavit-of-three-(3)-or-more-qualified--voters--signing  
2 the--petition,--if--there-be-that-many,--stating-the-total-number-of  
3 qualified-voters-residing-in-the-particular-annexed--area--and--the  
4 approximate-total-acreage-within-such-particular-annexed-area- ]

5       SECTION 3.   The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

# HOUSE ENGROSSMENT

SPECIAL PRINTING

F

By Lewis, et al.

H.B. No. 1952

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at two [a] public hearings [hearing] to be held not more than forty (40) [~~twenty-(20)~~] days nor less than twenty (20) [~~ten-(10)~~] days prior to institution of such proceedings. At least one (1) public hearing shall be held within the area proposed to be annexed. Notice of such hearings [hearing] shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice for each hearing shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to that [the] hearing. Additional notice by certified mail should be given to railroad companies then serving the city and on the city's tax roll where the right-of-way thereof is included in the territory to be annexed. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the

1 governing body of such city institutes annexation proceedings or be  
2 null and void. Provided, however, any period of time during which  
3 a city is restrained or enjoined from annexing any such territory  
4 by a court of competent jurisdiction shall not be computed in such  
5 90-day limitation period.

6 SECTION 2. Section 10, Municipal Annexation Act, as amended  
7 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
8 as follows:

9 Sec. 10. DISANNEXATION. A. Prior to the publication of  
10 notice of a hearing required under Section 6 of this Act, the  
11 governing body of the city proposing the annexation shall direct  
12 its planning or other appropriate department to prepare a service  
13 plan that provides for the extension of municipal services into  
14 each area to be annexed. For purposes of this Section, providing  
15 services includes having services provided by any method or means  
16 by which the city extends municipal services to any other area of  
17 the city.

18 B. The service plan shall include:

19 (1) a program under which the city will provide police  
20 protection, fire protection, solid waste collection, maintenance of  
21 water and waste water facilities, maintenance of roads and streets  
22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
2 for providing municipal services for the particular area, the  
3 construction to begin within 2-1/2 years of the effective date of  
4 the annexation of the particular annexed area, and the acquisition  
5 or construction of the facilities to be accomplished by purchase,  
6 lease, or other contract or by the city's succeeding to the powers,  
7 duties, assets, and obligations of conservation and reclamation  
8 districts, as may be authorized or required by law. No moneys  
9 received from the sale of bonds or evidenced by other instruments  
10 of indebtedness may be allocated to the annexed area for a period  
11 of one hundred and eighty (180) days.

12 C. In no event shall a service plan provide fewer services  
13 or a lower level of services in the area to be annexed than were in  
14 existence in that area at the time immediately preceding the  
15 annexation.

16 D. In the event that only a part of the area to be annexed  
17 is actually annexed, the governing body shall direct its planning  
18 or other appropriate department to prepare a revised service plan  
19 for the part actually to be annexed.

20 E. The proposed service plan shall be made available for  
21 inspection and explained to the inhabitants of the area to be  
22 annexed at the public hearings held under Section 6 of this Act.  
23 The plan may be amended through negotiation at those hearings but  
24 cannot have provision of any service deleted from it. On the  
25 completion of the public hearings, the service plan shall be  
26 attached to the ordinance annexing the area and approved as part of  
27 that ordinance. On approval by the governing body of the annexing

1 city, the plan shall be construed as a contractual obligation, not  
 2 subject to amendment or repeal unless the governing body determines  
 3 at the hearings required by this subsection that changed conditions  
 4 or subsequent occurrences make the plan unworkable or obsolete. If  
 5 the governing body determines that all or part of a plan is  
 6 unworkable or obsolete, the governing body may amend the plan to  
 7 conform to changed conditions or subsequent occurrences. An  
 8 amended service plan shall provide for services comparable to or  
 9 better than those established in the service plan before amendment,  
 10 and before any amendment is adopted, the governing body must first  
 11 provide an opportunity for all interested persons to be heard at  
 12 public hearings called and held in the manner provided in Section 6  
 13 of this Act. Service plans shall be valid for ten (10) years.  
 14 Renewal shall be at the discretion of the city.

15       F. From and after the effective date of this Act, any city  
 16 annexing a particular area shall [~~within three (3) years of the~~  
 17 effective date of such annexation] provide or cause to be provided  
 18 such area with [~~governmental--and--proprietary~~] services in  
 19 accordance with the service plan required under this Section[~~7--the~~  
 20 standard--and--scope--of--which--are--substantially--equivalent--to--the  
 21 standard--and--scope--of--governmental--and--proprietary--services  
 22 furnished--by--such--city--in--other--areas--of--such--city--which--have  
 23 characteristics--of--topography,--patterns--of--land--utilization,--and  
 24 population--density--similar--to--that--of--the--particular--area--annexed].  
 25 In the event a city fails or refuses to provide or cause to be  
 26 provided such services within the time specified in the service  
 27 plan for that area or in this Act [herein], a majority of the

1 qualified voters residing within such particular annexed area [and  
 2 the--owners--of--fifty--per--cent--(50%)--or--more--of--the--land--in--such  
 3 particular--annexed--area,--which--area--must--adjoin--the--outer  
 4 boundaries--of--the--city,] may petition the governing body of such  
 5 city to disannex such particular annexed area. Should the  
 6 governing body of such city fail or refuse to disannex such  
 7 particular annexed area within sixty (60) [ninety--(90)] days after  
 8 receipt of a valid petition, any one or more of the signers of such  
 9 petition may[~~--within--sixty--(60)--days--of--the--date--of--such--failure~~  
 10 ~~or--refusal,~~] file in a district court in the county [of--the  
 11 district] in which such annexed area [city] is principally located  
 12 an action requesting that the particular annexed area be  
 13 disannexed. Upon the filing of an answer in such cause by the  
 14 governing body of the annexing [such] city, and upon application of  
 15 either party, the case shall be advanced and heard without further  
 16 delay, all in accordance with the Texas Rules of Civil Procedure.  
 17 Upon hearing of the case, if the district court finds that a valid  
 18 petition was filed with the city, and that the city failed to  
 19 perform its obligations in accordance with a service plan or failed  
 20 to perform in good faith [that--the--particular--annexed--area--is  
 21 otherwise--eligible--for--disannexation--under--the--provisions--of--this  
 22 Section,--and--that--the--standard--and--scope--of--governmental--and  
 23 proprietary--services--provided--or--caused--to--be--provided--to--such  
 24 particular--annexed--area--are--not--substantially--equivalent--to--the  
 25 standard--and--scope--of--governmental--and--proprietary--services  
 26 provided--or--caused--to--be--provided--other--areas--of--such--city--having  
 27 characteristics--of--topography,--patterns--of--land--utilization--and

1 ~~population-density-similar-to-that-of-the-particular-annexed-area]~~,  
 2 it shall enter an order disannexing such particular annexed area.  
 3 A municipal utility district may be created in the disannexed area  
 4 under Chapter 54, Water Code, as amended, without consent of the  
 5 city from which the area has been disannexed. [~~Provided, however,~~  
 6 ~~that-the-right-of-disannexation-provided-for-in-this-Section--shall~~  
 7 ~~not--be-available-to-any-particular-annexed-area-which-was-lawfully~~  
 8 ~~within-the-city-limits-of-a-city-at-the-time--of--the--approval--or~~  
 9 ~~sale--of--any--general--obligation--bonds--of--the-city-if-proceeds~~  
 10 ~~therefrom-have-been-expended-for-capital-improvements-to-serve-such~~  
 11 ~~particular--annexed--area,--so--long--as---any---such---bonds---are~~  
 12 ~~outstanding.~~ ]

13 G [B]. When any such area is disannexed under [~~the~~  
 14 ~~provisions-of]~~ this Section, it shall not again be annexed within  
 15 five (5) years [~~one-(1)-year]~~ of such disannexation, and, if it is  
 16 again annexed within seven (7) [~~three-(3)]~~ years of disannexation,  
 17 the period for implementation of a service plan [~~for-affording-such~~  
 18 ~~services-as-are-required-by-this-Section]~~ shall not exceed [~~be~~] one  
 19 (1) year from reannexation [~~rather-than-three-(3)-years-as-in-other~~  
 20 ~~cases]~~.

21 H [C]. The request and petition for disannexation provided  
 22 for in Subsection F [A] of this Section [~~of-this-Act]~~ shall be made  
 23 by the qualified voters [~~and-landowners]~~ signing and presenting to  
 24 the city secretary a written petition requesting disannexation.  
 25 The signatures to the petition need not be appended to one paper,  
 26 but each signer shall sign his or her name in ink or indelible  
 27 pencil, and each signer signing the petition as a qualified voter

shall sign his or her name as it appears on the official copy of the current voter registration list [~~poll-list-or-an-official-copy of-the-current-list-of-exempt-voters~~] and each qualified voter shall note on such petition his or her residence address and the precinct number and serial number that appear on his or her [~~poll tax--receipt,--exemption--certificate,---or---such---other~~] voter registration certificate that may be provided for by law. [~~Each landowner signing the petition shall note thereon opposite his--or her--name--the--approximate-total-acreage-he-or-she-owns-within-the particular--annexed--area-~~] The petition shall describe the particular annexed area to be disannexed and have attached to it a plat, map, or other likeness of the [~~particular~~] annexed area. Prior to circulating the petition for disannexation among the qualified voters [~~and-landowners~~], notice of the petition shall be given by means of posting for ten (10) days a copy of the petition in three (3) public places in the [~~particular~~] annexed area and by publishing it for one (1) time [~~issue~~] in a newspaper or newspapers of general circulation serving the [~~particular~~] annexed area at least fifteen (15) days prior to the circulation of the petition. Proof of posting and publication of the notice shall be made by attaching to the petition presented to the city secretary: (1) the sworn affidavit of any qualified voter who signed the petition stating the places where and the dates when the petition was posted, and (2) the sworn affidavit of the publisher of the newspaper or newspapers setting forth the name of the newspaper or newspapers and the issue and date in which the notice was published. [~~In--addition,--there-shall-be-attached-to-the-petition~~



1 the-sworn-affidavit-of-three-(3)-or-more-qualified--voters--signing  
2 the--petition,--if--there-be-that-many,--stating-the-total-number-of  
3 qualified-voters-residing-in-the-particular-annexed--area--and--the  
4 approximate-total-acreage-within-such-particular-annexed-area.]

5 SECTION 3. The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

(Incegn)

COMMITTEE SUBSTITUTE FORM

May 30 Austin, Texas

Date of report to Senate

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on IGR to which was referred  
H B. No. 1952, have had the same under consideration, and I am instructed to report it back to the  
Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu  
thereof do pass and be printed.

Incegn  
Chairman

Paper clip TWO copies of the Committee Substitute and TWO copies of this form to the original bill and retain one copy of this form for your file.

Local

REQUEST FOR LOCAL & UNCONTESTED CALENDAR  
PLACEMENT

Hon. Roy Blake, Chairman  
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that HB 1952 by: Lewis (Inez)  
was heard by the Committee on JGR on 5-30, 1981  
and reported out with the recommendation that it be placed on the Local and Uncontested  
Calendar.

Inez  
Chairman of the reporting committee

**IMPORTANT:** THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL  
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR  
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON  
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY  
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**  
**5:00 P.M. MONDAYS.**

COMMITTEE SUBSTITUTE FOR H.B. NO. 1952

BY: Uribe

By Lewis, et al.

H.B. No. 1952

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at two [a] public hearings [hearing] to be held not more than forty (40) [~~twenty-(20)~~] days nor less than twenty (20) [~~ten-(10)~~] days prior to institution of such proceedings. At least one (1) public hearing shall be held within the area proposed to be annexed. Notice of such hearings [hearing] shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice for each hearing shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to that [~~the~~] hearing. Additional notice by certified mail should be given to railroad companies then serving the city and on the city's tax roll where the right-of-way thereof is included in the territory to be annexed. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the

MAY 31 1981

governing body of such city institutes annexation proceedings or be null and void. Provided, however, any period of time during which a city is restrained or enjoined from annexing any such territory by a court of competent jurisdiction shall not be computed in such 90-day limitation period.

SECTION 2. Section 10, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10. DISANNEXATION. A. Prior to the publication of notice of a hearing required under Section 6 of this Act, the governing body of the city proposing the annexation shall direct its planning or other appropriate department to prepare a service plan that provides for the extension of municipal services into each area to be annexed. For purposes of this Section, providing services includes having services provided by any method or means by which the city extends municipal services to any other area of the city.

B. The service plan shall include:

(1) a program under which the city will provide police protection, fire protection, solid waste collection, maintenance of water and waste water facilities, maintenance of roads and streets (including lighting), the maintenance of parks, playgrounds, and swimming pools, and the maintenance of any other publicly owned facility, building, or service within each particular area within sixty (60) days after the effective date of the annexation of that particular area; and

(2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
2 for providing municipal services for the particular area, the  
3 construction to begin within <sup>two and one-half</sup> 2-1/2 years of the effective date of  
4 the annexation of the particular annexed area, and the acquisition  
5 or construction of the facilities to be accomplished by purchase,  
6 lease, or other contract or by the city's succeeding to the powers,  
7 duties, assets, and obligations of conservation and reclamation  
8 districts, as may be authorized or required by law. No moneys  
9 received from the sale of bonds or evidenced by other instruments  
10 of indebtedness may be allocated to the annexed area for a period  
11 of one hundred and eighty (180) days.

12 C. In no event shall a service plan provide fewer services  
13 or a lower level of services in the area to be annexed than were in  
14 existence in that area at the time immediately preceding the  
15 annexation. However, it is not the intent of this act to require that  
16 a uniform level of services be provided to all areas of the city where  
17 differing characteristics of topography, land utilization, and popula-  
18 tion density are considered as a sufficient basis for providing dif-  
19 fering service levels. (T. 1952)

20 D. In the event that only a part of the area to be annexed  
21 is actually annexed, the governing body shall direct its planning  
22 or other appropriate department to prepare a revised service plan  
23 for the part actually to be annexed.

24 E. The proposed service plan shall be made available for  
25 inspection and explained to the inhabitants of the area to be  
26 annexed at the public hearings held under Section 6 of this Act.  
27 The plan may be amended through negotiation at those hearings but

1 cannot have provision of any service deleted from it. On the  
2 completion of the public hearings, the service plan shall be  
3 attached to the ordinance annexing the area and approved as part of  
4 that ordinance. On approval by the governing body of the annexing  
5 city, the plan shall be construed as a contractual obligation, not  
6 subject to amendment or repeal unless the governing body determines  
7 at the hearings required by this subsection that changed conditions  
8 or subsequent occurrences make the plan unworkable or obsolete. If  
9 the governing body determines that all or part of a plan is  
10 unworkable or obsolete, the governing body may amend the plan to  
11 conform to changed conditions or subsequent occurrences. An  
12 amended service plan shall provide for services comparable to or  
13 better than those established in the service plan before amendment,  
14 and before any amendment is adopted, the governing body must first  
15 provide an opportunity for all interested persons to be heard at  
16 public hearings called and held in the manner provided in Section 6  
17 of this Act. Service plans shall be valid for ten (10) years.  
18 Renewal shall be at the discretion of the city.

19 F. From and after the effective date of this Act, any city  
20 annexing a particular area shall [~~within three (3) years of the~~  
21 ~~effective date of such annexation~~] provide or cause to be provided  
22 such area with [~~governmental--and--proprietary~~] services in  
23 accordance with the service plan required under this Section [~~7--the~~  
24 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~  
25 ~~standard--and--scope--of--governmental--and--proprietary--services~~  
26 ~~furnished--by--such--city--in--other--areas--of--such--city--which--have~~  
27 ~~characteristics--of--topography,--patterns--of--land--utilization,--and~~

1 | population-density-similar-to-that-of-the-particular-area-annexed].  
2 | In the event a city fails or refuses to provide or cause to be  
3 | provided such services within the time specified in the service  
4 | plan for that area or in this Act [herein], a majority of the  
5 | qualified voters residing within such particular annexed area [and  
6 | the--owners--of--fifty--per--cent--(50%)--or--more--of--the--land--in--such  
7 | particular--annexed--area;--which--area--must--adjoin--the--outer  
8 | boundaries--of--the--city;] may petition the governing body of such  
9 | city to disannex such particular annexed area. Should the  
10 | governing body of such city fail or refuse to disannex such  
11 | particular annexed area within sixty (60) [ninety-(90)] days after  
12 | receipt of a valid petition, any one or more of the signers of such  
13 | petition may[;--within-sixty--(60)--days--of--the--date--of--such--failure  
14 | or--refusal;] file in a district court in the county [of--the  
15 | district] in which such annexed area [city] is principally located  
16 | an action requesting that the particular annexed area be  
17 | disannexed. Upon the filing of an answer in such cause by the  
18 | governing body of the annexing [such] city, and upon application of  
19 | either party, the case shall be advanced and heard without further  
20 | delay, all in accordance with the Texas Rules of Civil Procedure.  
21 | Upon hearing of the case, if the district court finds that a valid  
22 | petition was filed with the city, and that the city failed to  
23 | perform its obligations in accordance with a service plan or failed  
24 | to perform in good faith [that--the--particular--annexed--area--is  
25 | otherwise--eligible--for--disannexation--under--the--provisions--of--this  
26 | Section;--and--that--the--standard--and--scope--of--governmental--and  
27 | proprietary--services--provided--or--caused--to--be--provided--to--such



1 particular-annexed-area-are-not--substantially--equivalent--to--the  
2 standard---and---scope---of---governmental---and---proprietary---services  
3 provided-or-caused-to-be-provided-other-areas-of-such--city--having  
4 characteristics--of--topography,--patterns--of-land-utilization-and  
5 population-density-similar-to-that-of-the-particular-annexed-area],  
6 it shall enter an order disannexing such particular annexed area.  
7 [Provided,--however,--that-the-right-of-disannexation-provided-for-in  
8 this-Section-shall-not-be-available-to-any-particular-annexed-area  
9 which-was-lawfully-within-the-city-limits-of-a-city-at-the-time-of  
10 the-approval-or-sale-of-any-general-obligation-bonds-of-the-city-if  
11 proceeds-therefrom-have-been-expended-for-capital-improvements-to  
12 serve-such-particular-annexed-area,--so-long-as-any-such-bonds-are  
13 outstanding.]

14 G [B]. When any such area is disannexed under [the  
15 provisions-of] this Section, it shall not again be annexed within  
16 five (5) years [one-~~(1)~~-year] of such disannexation, and, if it is  
17 again annexed within seven (7) [three-~~(3)~~] years of disannexation,  
18 the period for implementation of a service plan [for-affording-such  
19 services-as-are-required-by-this-Section] shall not exceed [be] one  
20 (1) year from reannexation [rather-than-three-~~(3)~~-years-as-in-other  
21 cases].

22 H [C]. The request and petition for disannexation provided  
23 for in Subsection F [A] of this Section [of-this-Act] shall be made  
24 by the qualified voters [and-landowners] signing and presenting to  
25 the city secretary a written petition requesting disannexation.  
26 The signatures to the petition need not be appended to one paper,  
27 but each signer shall sign his or her name in ink or indelible

1 pencil, and each signer signing the petition as a qualified voter  
2 shall sign his or her name as it appears on the official copy of  
3 the current voter registration list [~~pell-list-or-an-official--copy~~  
4 ~~of--the--current--list--of--exempt-voters~~] and each qualified voter  
5 shall note on such petition his or her residence address and the  
6 precinct number and serial number that appear on his or her [~~pell~~  
7 ~~tax--receipt,--exemption--certificate,---or---such---other~~] voter  
8 registration certificate that may be provided for by law. [Each  
9 ~~landowner-signing-the-petition-shall-note-thereon-opposite--his--or~~  
10 ~~her--name--the--approximate-total-acreage-he-or-she-owns-within-the~~  
11 ~~particular--annexed--area.~~] The petition shall describe the  
12 particular annexed area to be disannexed and have attached to it a  
13 plat, map, or other likeness of the [~~particular~~] annexed area.  
14 Prior to circulating the petition for disannexation among the  
15 qualified voters [~~and-landowners~~], notice of the petition shall be  
16 given by means of posting for ten (10) days a copy of the petition  
17 in three (3) public places in the [~~particular~~] annexed area and by  
18 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
19 of general circulation serving the [~~particular~~] annexed area at  
20 least fifteen (15) days prior to the circulation of the petition.  
21 Proof of posting and publication of the notice shall be made by  
22 attaching to the petition presented to the city secretary: (1) the  
23 sworn affidavit of any qualified voter who signed the petition  
24 stating the places where and the dates when the petition was  
25 posted, and (2) the sworn affidavit of the publisher of the  
26 newspaper or newspapers setting forth the name of the newspaper or  
27 newspapers and the issue and date in which the notice was

Amend H.B. 1952, at <sup>Article</sup> line 19, page 3, by  
adding the following "sentence":

Nothing in this act shall be construed to limit  
or repeal Home Rule Charter provisions providing  
for annexation for limited purposes other than ad  
valorem taxation.

OK - just protects Austin's  
special charter provisions  
under current annexation law.

Dick Brown

**ADOPTED**

MAY 31 1981

*Barry King*  
Secretary of the Senate

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

ADOPTED

MAY 31 1981

*Barney King*  
Secretary of the Senate

*CS*

# SENATE AMENDMENTS

2ND PRINTING

By Lewis, et al.

H.B. No. 1952

## A BILL TO BE ENTITLED

### AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at two [a] public hearings [~~hearing~~] to be held not more than forty (40) [~~twenty-(20)~~] days nor less than twenty (20) [~~ten-(10)~~] days prior to institution of such proceedings. At least one (1) public hearing shall be held within the area proposed to be annexed. Notice of such hearings [~~hearing~~] shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice for each hearing shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to that [~~the~~] hearing. Additional notice by certified mail should be given to railroad companies then serving the city and on the city's tax roll where the right-of-way thereof is included in the territory to be annexed. Annexation of territory by a city shall be brought to completion within ninety (90) days of the date on which the

1 governing body of such city institutes annexation proceedings or be  
2 null and void. Provided, however, any period of time during which  
3 a city is restrained or enjoined from annexing any such territory  
4 by a court of competent jurisdiction shall not be computed in such  
5 90-day limitation period.

6 SECTION 2. Section 10, Municipal Annexation Act, as amended  
7 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
8 as follows:

9 Sec. 10. DISANNEXATION. A. Prior to the publication of  
10 notice of a hearing required under Section 6 of this Act, the  
11 governing body of the city proposing the annexation shall direct  
12 its planning or other appropriate department to prepare a service  
13 plan that provides for the extension of municipal services into  
14 each area to be annexed. For purposes of this Section, providing  
15 services includes having services provided by any method or means  
16 by which the city extends municipal services to any other area of  
17 the city.

18 B. The service plan shall include:

19 (1) a program under which the city will provide police  
20 protection, fire protection, solid waste collection, maintenance of  
21 water and waste water facilities, maintenance of roads and streets  
22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
 2 for providing municipal services for the particular area, the  
 3 construction to begin within 2-1/2 years of the effective date of  
 4 the annexation of the particular annexed area, and the acquisition  
 5 or construction of the facilities to be accomplished by purchase,  
 6 lease, or other contract or by the city's succeeding to the powers,  
 7 duties, assets, and obligations of conservation and reclamation  
 8 districts, as may be authorized or required by law. No moneys  
 9 received from the sale of bonds or evidenced by other instruments  
 10 of indebtedness may be allocated to the annexed area for a period  
 11 of one hundred and eighty (180) days.

12 C. In no event shall a service plan provide fewer services  
 13 or a lower level of services in the area to be annexed than were in  
 14 existence in that area at the time immediately preceding the  
 15 annexation.

16 D. In the event that only a part of the area to be annexed  
 17 is actually annexed, the governing body shall direct its planning  
 18 or other appropriate department to prepare a revised service plan  
 19 for the part actually to be annexed.

20 E. The proposed service plan shall be made available for  
 21 inspection and explained to the inhabitants of the area to be  
 22 annexed at the public hearings held under Section 6 of this Act.  
 23 The plan may be amended through negotiation at those hearings but  
 24 cannot have provision of any service deleted from it. On the  
 25 completion of the public hearings, the service plan shall be  
 26 attached to the ordinance annexing the area and approved as part of  
 27 that ordinance. On approval by the governing body of the annexing

1 city, the plan shall be construed as a contractual obligation, not  
 2 subject to amendment or repeal unless the governing body determines  
 3 at the hearings required by this subsection that changed conditions  
 4 or subsequent occurrences make the plan unworkable or obsolete. If  
 5 the governing body determines that all or part of a plan is  
 6 unworkable or obsolete, the governing body may amend the plan to  
 7 conform to changed conditions or subsequent occurrences. An  
 8 amended service plan shall provide for services comparable to or  
 9 better than those established in the service plan before amendment,  
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 11 provide an opportunity for all interested persons to be heard at  
 12 public hearings called and held in the manner provided in Section 6  
 13 of this Act. Service plans shall be valid for ten (10) years.  
 14 Renewal shall be at the discretion of the city.

15 F. From and after the effective date of this Act, any city  
 16 annexing a particular area shall [~~within three (3) years of the~~  
 17 ~~effective date of such annexation~~] provide or cause to be provided  
 18 such area with [~~governmental--and--proprietary~~] services in  
 19 accordance with the service plan required under this Section[~~7--the~~  
 20 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~  
 21 ~~standard--and--scope--of--governmental--and--proprietary--services~~  
 22 ~~furnished--by--such--city--in--other--areas--of--such--city--which--have~~  
 23 ~~characteristics--of--topography,--patterns--of--land--utilization,--and~~  
 24 ~~population--density--similar--to--that--of--the--particular--area--annexed~~].  
 25 In the event a city fails or refuses to provide or cause to be  
 26 provided such services within the time specified in the service  
 27 plan for that area or in this Act [herein], a majority of the



1 qualified voters residing within such particular annexed area [and  
2 the--owners--of--fifty--per--cent--(50%)--or--more--of--the--land--in--such  
3 particular--annexed--area,--which--area--must--adjoin--the--outer  
4 boundaries--of--the--city,] may petition the governing body of such  
5 city to disannex such particular annexed area. Should the  
6 governing body of such city fail or refuse to disannex such  
7 particular annexed area within sixty (60) [ninety-(90)] days after  
8 receipt of a valid petition, any one or more of the signers of such  
9 petition may[7--within--sixty--(60)--days--of--the--date--of--such--failure  
10 or--refusal,] file in a district court in the county [ef--the  
11 district] in which such annexed area [city] is principally located  
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14 governing body of the annexing [such] city, and upon application of  
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16 delay, all in accordance with the Texas Rules of Civil Procedure.  
17 Upon hearing of the case, if the district court finds that a valid  
18 petition was filed with the city, and that the city failed to  
19 perform its obligations in accordance with a service plan or failed  
20 to perform in good faith [that--the--particular--annexed--area--is  
21 otherwise--eligible--for--disannexation--under--the--provisions--of--this  
22 Section,--and--that--the--standard--and--scope--of--governmental--and  
23 proprietary--services--provided--or--caused--to--be--provided--to--such  
24 particular--annexed--area--are--not--substantially--equivalent--to--the  
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26 provided--or--caused--to--be--provided--other--areas--of--such--city--having  
27 characteristics--of--topography,--patterns--of--land--utilization--and

1 ~~population-density-similar-to-that-of-the-particular-annexed-area~~],  
 2 it shall enter an order disannexing such particular annexed area.  
 3 A municipal utility district may be created in the disannexed area  
 4 under Chapter 54, Water Code, as amended, without consent of the  
 5 city from which the area has been disannexed. [~~Provided, however,~~  
 6 ~~that-the-right-of-disannexation-provided-for-in-this-Section--shall~~  
 7 ~~not--be-available-to-any-particular-annexed-area-which-was-lawfully~~  
 8 ~~within-the-city-limits-of-a-city-at-the-time--of--the--approval--or~~  
 9 ~~sale--of--any--general--obligation--bonds--of--the-city-if-proceeds~~  
 10 ~~therefrom-have-been-expended-for-capital-improvements-to-serve-such~~  
 11 ~~particular--annexed--area,--so--long--as--any--such--bonds--are~~  
 12 ~~outstanding.~~]

13 G [B]. When any such area is disannexed under [~~the~~  
 14 ~~provisions-of~~] this Section, it shall not again be annexed within  
 15 five (5) years [~~one-(1)-year~~] of such disannexation, and, if it is  
 16 again annexed within seven (7) [~~three-(3)~~] years of disannexation,  
 17 the period for implementation of a service plan [~~for-affording-such~~  
 18 ~~services-as-are-required-by-this-Section~~] shall not exceed [~~be~~] one  
 19 (1) year from reannexation [~~rather-than-three-(3)-years-as-in-other~~  
 20 ~~eases~~].

21 H [C]. The request and petition for disannexation provided  
 22 for in Subsection F [A] of this Section [~~of-this-Act~~] shall be made  
 23 by the qualified voters [~~and-landowners~~] signing and presenting to  
 24 the city secretary a written petition requesting disannexation.  
 25 The signatures to the petition need not be appended to one paper,  
 26 but each signer shall sign his or her name in ink or indelible  
 27 pencil, and each signer signing the petition as a qualified voter

1 shall sign his or her name as it appears on the official copy of  
 2 the current voter registration list [~~poll-list-or-an-official-copy~~  
 3 ~~of-the-current-list-of-exempt-voters~~] and each qualified voter  
 4 shall note on such petition his or her residence address and the  
 5 precinct number and serial number that appear on his or her [~~poll~~  
 6 ~~tax-receipt,-exemption-certificate,-or-such-ether~~] voter  
 7 registration certificate that may be provided for by law. [~~Each~~  
 8 ~~landowner-signing-the-petition-shall-note-thereon-opposite-his-or~~  
 9 ~~her-name-the-approximate-total-acreage-he-or-she-owns-within-the~~  
 10 ~~particular-annexed-area-~~] The petition shall describe the  
 11 particular annexed area to be disannexed and have attached to it a  
 12 plat, map, or other likeness of the [~~particular~~] annexed area.  
 13 Prior to circulating the petition for disannexation among the  
 14 qualified voters [~~and-landowners~~], notice of the petition shall be  
 15 given by means of posting for ten (10) days a copy of the petition  
 16 in three (3) public places in the [~~particular~~] annexed area and by  
 17 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
 18 of general circulation serving the [~~particular~~] annexed area at  
 19 least fifteen (15) days prior to the circulation of the petition.  
 20 Proof of posting and publication of the notice shall be made by  
 21 attaching to the petition presented to the city secretary: (1) the  
 22 sworn affidavit of any qualified voter who signed the petition  
 23 stating the places where and the dates when the petition was  
 24 posted, and (2) the sworn affidavit of the publisher of the  
 25 newspaper or newspapers setting forth the name of the newspaper or  
 26 newspapers and the issue and date in which the notice was  
 27 published. [~~In-addition,-there-shall-be-attached-to-the-petition~~

1 the-sworn-affidavit-of-three-(3)-or-more-qualified--voters--signing  
2 the--petition,--if--there-be-that-many,--stating-the-total-number-of  
3 qualified-voters-residing-in-the-particular-annexed--area--and--the  
4 approximate-total-acreage-within-such-particular-annexed-area. ]

5 SECTION 3. The importance of this legislation and the  
6 crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

By Lewis, et al.

C.S.H.B. No. 1952

SENATE AMENDMENT NO. 1

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 6, Municipal Annexation Act, as amended (Article 970a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before any city may institute annexation proceedings, the governing body of such city shall provide an opportunity for all interested persons to be heard at two [a] public hearings [hearing] to be held not more than forty (40) [twenty-(20)] days nor less than twenty (20) [ten-(10)] days prior to institution of such proceedings. At least one (1) public hearing shall be held within the area proposed to be annexed. Notice of such hearings [hearing] shall be published in a newspaper having general circulation in the city and in the territory proposed to be annexed. The notice for each hearing shall be published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to that [the] hearing. Additional notice by certified mail should be given to railroad companies then serving the city and on the city's tax roll where the right-of-way thereof is included in the territory to

1 be annexed. Annexation of territory by a city shall be brought to  
2 completion within ninety (90) days of the date on which the  
3 governing body of such city institutes annexation proceedings or be  
4 null and void. Provided, however, any period of time during which  
5 a city is restrained or enjoined from annexing any such territory  
6 by a court of competent jurisdiction shall not be computed in such  
7 90-day limitation period.

8 SECTION 2. Section 10, Municipal Annexation Act, as amended  
9 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
10 as follows:

11 Sec. 10. DISANNEXATION. A. Prior to the publication of  
12 notice of a hearing required under Section 6 of this Act, the  
13 governing body of the city proposing the annexation shall direct  
14 its planning or other appropriate department to prepare a service  
15 plan that provides for the extension of municipal services into  
16 each area to be annexed. For purposes of this Section, providing  
17 services includes having services provided by any method or means  
18 by which the city extends municipal services to any other area of  
19 the city.

20 B. The service plan shall include:

21 (1) a program under which the city will provide police  
22 protection, fire protection, solid waste collection, maintenance of  
23 water and waste water facilities, maintenance of roads and streets  
24 (including lighting), the maintenance of parks, playgrounds, and  
25 swimming pools, and the maintenance of any other publicly owned  
26 facility, building, or service within each particular area within  
27 sixty (60) days after the effective date of the annexation of that

1 particular area; and

2 (2) a program under which the city will initiate the  
3 acquisition or construction of any capital improvements necessary  
4 for providing municipal services for the particular area, the  
5 construction to begin within 2-1/2 years of the effective date of  
6 the annexation of the particular annexed area, and the acquisition  
7 or construction of the facilities to be accomplished by purchase,  
8 lease, or other contract or by the city's succeeding to the powers,  
9 duties, assets, and obligations of conservation and reclamation  
10 districts, as may be authorized or required by law. No moneys  
11 received from the sale of bonds or evidenced by other instruments  
12 of indebtedness may be allocated to the annexed area for a period  
13 of one hundred and eighty (180) days.

14 C. In no event shall a service plan provide fewer services  
15 or a lower level of services in the area to be annexed than were in  
16 existence in that area at the time immediately preceding the  
17 annexation. However, it is not the intent of this act to require  
18 that a uniform level of services be provided to all areas of the  
19 city where differing characteristics of topography, land  
20 utilization and population density are considered as a sufficient  
21 basis for providing differing service levels.

22 D. In the event that only a part of the area to be annexed  
23 is actually annexed, the governing body shall direct its planning  
24 or other appropriate department to prepare a revised service plan  
25 for the part actually to be annexed.

26 E. The proposed service plan shall be made available for  
27 inspection and explained to the inhabitants of the area to be

1 annexed at the public hearings held under Section 6 of this Act.  
 2 The plan may be amended through negotiation at those hearings but  
 3 cannot have provision of any service deleted from it. On the  
 4 completion of the public hearings, the service plan shall be  
 5 attached to the ordinance annexing the area and approved as part of  
 6 that ordinance. On approval by the governing body of the annexing  
 7 city, the plan shall be construed as a contractual obligation, not  
 8 subject to amendment or repeal unless the governing body determines  
 9 at the hearings required by this subsection that changed conditions  
 10 or subsequent occurrences make the plan unworkable or obsolete. If  
 11 the governing body determines that all or part of a plan is  
 12 unworkable or obsolete, the governing body may amend the plan to  
 13 conform to changed conditions or subsequent occurrences. An  
 14 amended service plan shall provide for services comparable to or  
 15 better than those established in the service plan before amendment,  
 16 and before any amendment is adopted, the governing body must first  
 17 provide an opportunity for all interested persons to be heard at  
 18 public hearings called and held in the manner provided in Section 6  
 19 of this Act. Service plans shall be valid for ten (10) years.  
 20 Renewal shall be at the discretion of the city.

21 F. From and after the effective date of this Act, any city  
 22 annexing a particular area shall [~~within three--(3)--years--of--the~~  
 23 ~~effective--date--of--such--annexation~~] provide or cause to be provided  
 24 such area with [~~governmental--and--proprietary~~] services in  
 25 accordance with the service plan required under this Section[~~7--the~~  
 26 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~  
 27 ~~standard---and--scope--of--governmental--and--proprietary--services~~



1 furnished-by-such-city-in-ether--areas--of--such--city--which--have  
 2 characteristics--of--topography,--patterns-of-land-utilization,--and  
 3 population-density-similar-to-that-of-the-particular-area-annexed].

4 In the event a city fails or refuses to provide or cause to be  
 5 provided such services within the time specified in the service  
 6 plan for that area or in this Act [herein], a majority of the  
 7 qualified voters residing within such particular annexed area [and  
 8 the-owners-of-fifty-per-cent-(50%)-or-more--of--the--land--in--such  
 9 particular---annexed---area,--which--area--must--adjoin--the--outer  
 10 boundaries-of-the-city,] may petition the governing body of such  
 11 city to disannex such particular annexed area. Should the  
 12 governing body of such city fail or refuse to disannex such  
 13 particular annexed area within sixty (60) [ninety-(90)] days after  
 14 receipt of a valid petition, any one or more of the signers of such  
 15 petition may[~~7--within-sixty-(60)-days-of-the-date-of--such--failure~~  
 16 ~~or--refusal~~] file in a district court in the county [of-the  
 17 ~~district~~] in which such annexed area [city] is principally located  
 18 an action requesting that the particular annexed area be  
 19 disannexed. Upon the filing of an answer in such cause by the  
 20 governing body of the annexing [such] city, and upon application of  
 21 either party, the case shall be advanced and heard without further  
 22 delay, all in accordance with the Texas Rules of Civil Procedure.  
 23 Upon hearing of the case, if the district court finds that a valid  
 24 petition was filed with the city, and that the city failed to  
 25 perform its obligations in accordance with a service plan or failed  
 26 to perform in good faith [that--the-particular-annexed-area-is  
 27 otherwise-eligible-for-disannexation-under-the-provisions--of--this

Section,--and--that--the--standard--and--scope--of--governmental--and  
 proprietary--services--provided--or--caused--to--be--provided--to--such  
 particular--annexed--area--are--not--substantially--equivalent--to--the  
 standard--and--scope--of--governmental--and--proprietary--services  
 provided--or--caused--to--be--provided--other--areas--of--such--city--having  
 characteristics--of--topography,--patterns--of--land--utilization--and  
 population--density--similar--to--that--of--the--particular--annexed--area],  
 it shall enter an order disannexing such particular annexed area.  
 [Provided,--however,--that--the--right--of--disannexation--provided--for--in  
 this--Section--shall--not--be--available--to--any--particular--annexed--area  
 which--was--lawfully--within--the--city--limits--of--a--city--at--the--time--of  
 the--approval--or--sale--of--any--general--obligation--bonds--of--the--city--if  
 proceeds--therefrom--have--been--expended--for--capital--improvements--to  
 serve--such--particular--annexed--area,--so--long--as--any--such--bonds--are  
 outstanding.]

G [B]. When any such area is disannexed under [the  
 provisions--of] this Section, it shall not again be annexed within  
five (5) years [one-(1)-year] of such disannexation, and, if it is  
 again annexed within seven (7) [three-(3)] years of disannexation,  
 the period for implementation of a service plan [for--affording--such  
 services--as--are--required--by--this--Section] shall not exceed [be] one  
 (1) year from reannexation [rather--than--three--(3)--years--as--in--other  
 cases].

H [C]. The request and petition for disannexation provided  
 for in Subsection F [A] of this Section [of--this--Act] shall be made  
 by the qualified voters [and--landowners] signing and presenting to  
 the city secretary a written petition requesting disannexation.

1 The signatures to the petition need not be appended to one paper,  
 2 but each signer shall sign his or her name in ink or indelible  
 3 pencil, and each signer signing the petition as a qualified voter  
 4 shall sign his or her name as it appears on the official copy of  
 5 the current voter registration list [~~poll-list-or-an-official-copy~~  
 6 ~~of-the-current-list-of-exempt--voters~~] and each qualified voter  
 7 shall note on such petition his or her residence address and the  
 8 precinct number and serial number that appear on his or her [~~poll~~  
 9 ~~tax---receipt,---exemption---certificate,---or---such---other~~] voter  
 10 registration certificate that may be provided for by law. [Each  
 11 ~~landowner--signing--the-petition--shall--note--thereon--opposite--his--or~~  
 12 ~~her--name--the--approximate--total--acreage--he--or--she--owns--within--the~~  
 13 ~~particular---annexed---area-~~] The petition shall describe the  
 14 particular annexed area to be disannexed and have attached to it a  
 15 plat, map, or other likeness of the [~~particular~~] annexed area.  
 16 Prior to circulating the petition for disannexation among the  
 17 qualified voters [~~and-landowners~~], notice of the petition shall be  
 18 given by means of posting for ten (10) days a copy of the petition  
 19 in three (3) public places in the [~~particular~~] annexed area and by  
 20 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
 21 of general circulation serving the [~~particular~~] annexed area at  
 22 least fifteen (15) days prior to the circulation of the petition.  
 23 Proof of posting and publication of the notice shall be made by  
 24 attaching to the petition presented to the city secretary: (1) the  
 25 sworn affidavit of any qualified voter who signed the petition  
 26 stating the places where and the dates when the petition was  
 27 posted, and (2) the sworn affidavit of the publisher of the

1 newspaper or newspapers setting forth the name of the newspaper or  
2 newspapers and the issue and date in which the notice was  
3 published. [~~In--addition,--there-shall-be-attached-to-the-petition~~  
4 ~~the-sworn-affidavit-of-three-(3)-or-more-qualified--voters--signing~~  
5 ~~the--petition,--if--there-be-that-many,--stating-the-total-number-of~~  
6 ~~qualified-voters-residing-in-the-particular-annexed--area--and--the~~  
7 ~~approximate-total-acreage-within-such-particular-annexed-area-]~~

8 SECTION 3. The importance of this legislation and the  
9 crowded condition of the calendars in both houses create an  
10 emergency and an imperative public necessity that the  
11 constitutional rule requiring bills to be read on three several  
12 days in each house be suspended, and this rule is hereby suspended,  
13 and that this Act take effect and be in force from and after its  
14 passage, and it is so enacted.

15 Uribe

16 SENATE AMENDMENT NO. 2

17 Amend C.S.H.B. 1952, at line 19, page 3, by adding the  
18 following sentence:

19 Nothing in this act shall be construed to limit or repeal  
20 Home Rule Charter provisions providing for annexation for limited  
21 purposes other than ad valorem taxation.

22 Doggett

23 SENATE AMENDMENT NO. 3

24 Amend the caption to conform to the body of the bill.

F

ENROLLED

H.B. No. 1952

1 AN ACT

2 relating to annexation of, providing services to, and disannexation  
3 of certain areas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 6, Municipal Annexation Act, as amended  
6 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
7 as follows:

8 Sec. 6. NOTICE AND HEARING--ANNEXATION PROCEEDINGS. Before  
9 any city may institute annexation proceedings, the governing body  
10 of such city shall provide an opportunity for all interested  
11 persons to be heard at two [a] public hearings [hearing] to be held  
12 not more than forty (40) [~~twenty-(20)~~] days nor less than twenty  
13 (20) [~~ten-(10)~~] days prior to institution of such proceedings. At  
14 least one (1) public hearing shall be held within the area proposed  
15 to be annexed. Notice of such hearings [hearing] shall be  
16 published in a newspaper having general circulation in the city and  
17 in the territory proposed to be annexed. The notice for each  
18 hearing shall be published at least once in such newspaper not more  
19 than twenty (20) days nor less than ten (10) days prior to that  
20 [~~the~~] hearing. Additional notice by certified mail should be given  
21 to railroad companies then serving the city and on the city's tax  
22 roll where the right-of-way thereof is included in the territory to  
23 be annexed. Annexation of territory by a city shall be brought to  
24 completion within ninety (90) days of the date on which the

1 governing body of such city institutes annexation proceedings or be  
2 null and void. Provided, however, any period of time during which  
3 a city is restrained or enjoined from annexing any such territory  
4 by a court of competent jurisdiction shall not be computed in such  
5 90-day limitation period.

6 SECTION 2. Section 10, Municipal Annexation Act, as amended  
7 (Article 970a, Vernon's Texas Civil Statutes), is amended to read  
8 as follows:

9 Sec. 10. DISANNEXATION. A. Prior to the publication of  
10 notice of a hearing required under Section 6 of this Act, the  
11 governing body of the city proposing the annexation shall direct  
12 its planning or other appropriate department to prepare a service  
13 plan that provides for the extension of municipal services into  
14 each area to be annexed. For purposes of this Section, providing  
15 services includes having services provided by any method or means  
16 by which the city extends municipal services to any other area of  
17 the city.

18 B. The service plan shall include:

19 (1) a program under which the city will provide police  
20 protection, fire protection, solid waste collection, maintenance of  
21 water and waste water facilities, maintenance of roads and streets  
22 (including lighting), the maintenance of parks, playgrounds, and  
23 swimming pools, and the maintenance of any other publicly owned  
24 facility, building, or service within each particular area within  
25 sixty (60) days after the effective date of the annexation of that  
26 particular area; and

27 (2) a program under which the city will initiate the

1 acquisition or construction of any capital improvements necessary  
 2 for providing municipal services for the particular area, the  
 3 construction to begin within two and one-half (2-1/2) years of the  
 4 effective date of the annexation of the particular annexed area,  
 5 and the acquisition or construction of the facilities to be  
 6 accomplished by purchase, lease, or other contract or by the city's  
 7 succeeding to the powers, duties, assets, and obligations of  
 8 conservation and reclamation districts, as may be authorized or  
 9 required by law. No moneys received from the sale of bonds or  
 10 evidenced by other instruments of indebtedness may be allocated to  
 11 the annexed area for a period of one hundred and eighty (180) days.

12 C. In no event shall a service plan provide fewer services  
 13 or a lower level of services in the area to be annexed than were in  
 14 existence in that area at the time immediately preceding the  
 15 annexation. However, it is not the intent of this Act to require  
 16 that a uniform level of services be provided to all areas of the  
 17 city where differing characteristics of topography, land  
 18 utilization, and population density are considered as a sufficient  
 19 basis for providing differing service levels. Nothing in this Act  
 20 shall be construed to limit or repeal home-rule charter provisions  
 21 providing for annexation for limited purposes other than ad valorem  
 22 taxation.

23 D. In the event that only a part of the area to be annexed  
 24 is actually annexed, the governing body shall direct its planning  
 25 or other appropriate department to prepare a revised service plan  
 26 for the part actually to be annexed.

27 E. The proposed service plan shall be made available for

1 inspection and explained to the inhabitants of the area to be  
 2 annexed at the public hearings held under Section 6 of this Act.  
 3 The plan may be amended through negotiation at those hearings but  
 4 cannot have provision of any service deleted from it. On the  
 5 completion of the public hearings, the service plan shall be  
 6 attached to the ordinance annexing the area and approved as part of  
 7 that ordinance. On approval by the governing body of the annexing  
 8 city, the plan shall be construed as a contractual obligation, not  
 9 subject to amendment or repeal unless the governing body determines  
 10 at the hearings required by this subsection that changed conditions  
 11 or subsequent occurrences make the plan unworkable or obsolete. If  
 12 the governing body determines that all or part of a plan is  
 13 unworkable or obsolete, the governing body may amend the plan to  
 14 conform to changed conditions or subsequent occurrences. An  
 15 amended service plan shall provide for services comparable to or  
 16 better than those established in the service plan before amendment,  
 17 and before any amendment is adopted, the governing body must first  
 18 provide an opportunity for all interested persons to be heard at  
 19 public hearings called and held in the manner provided in Section 6  
 20 of this Act. Service plans shall be valid for ten (10) years.  
 21 Renewal shall be at the discretion of the city.

22 F. From and after the effective date of this Act, any city  
 23 annexing a particular area shall [~~within three (3) years of the~~  
 24 ~~effective date of such annexation~~] provide or cause to be provided  
 25 such area with [~~governmental--and--proprietary~~] services in  
 26 accordance with the service plan required under this Section[~~7--the~~  
 27 ~~standard--and--scope--of--which--are--substantially--equivalent--to--the~~



standard--and--scope--of--governmental--and--proprietary---services  
 furnished--by--such--city--in--other--areas-of-such-city-which-have  
 characteristics-of-topography,-patterns-of--land--utilization,-and  
 population-density-similar-to-that-of-the-particular-area-annexed].

In the event a city fails or refuses to provide or cause to be  
 provided such services within the time specified in the service  
plan for that area or in this Act [herein], a majority of the  
 qualified voters residing within such particular annexed area [and  
 the--owners--of--fifty--per--cent-(50%)-or-more-of-the-land-in-such  
 particular--annexed--area,-which--area--must--adjoin---the---outer  
 boundaries--of--the--city,] may petition the governing body of such  
 city to disannex such particular annexed area. Should the  
 governing body of such city fail or refuse to disannex such  
 particular annexed area within sixty (60) [ninety-(90)] days after  
 receipt of a valid petition, any one or more of the signers of such  
 petition may[,-within-sixty-(60)-days-of-the-date-of-such-failure  
 or-refusal,] file in a district court in the county [of--the  
 district] in which such annexed area [city] is principally located  
 an action requesting that the particular annexed area be  
 disannexed. Upon the filing of an answer in such cause by the  
 governing body of the annexing [such] city, and upon application of  
 either party, the case shall be advanced and heard without further  
 delay, all in accordance with the Texas Rules of Civil Procedure.  
 Upon hearing of the case, if the district court finds that a valid  
 petition was filed with the city, and that the city failed to  
perform its obligations in accordance with a service plan or failed  
to perform in good faith [that--the--particular--annexed--area--is

otherwise--eligible--for-disannexation-under-the-provisions-of-this  
 Section,--and-that--the--standard--and--scope--of--governmental--and  
 proprietary--services--provided--or--caused--to-be-provided-to-such  
 particular-annexed-area-are-not--substantially--equivalent--to--the  
 standard---and--scope--of--governmental--and--proprietary--services  
 provided-or-caused-to-be-provided-other-areas-of-such--city--having  
 characteristics--of--topography,--patterns--of-land-utilization-and  
 population-density-similar-to-that-of-the-particular-annexed-area],  
 it shall enter an order disannexing such particular annexed area.  
 [Provided,--however,--that-the-right-of-disannexation-provided-for-in  
 this--Section-shall-not-be-available-to-any-particular-annexed-area  
 which-was-lawfully-within-the-city-limits-of-a-city-at-the-time--of  
 the-approval-or-sale-of-any-general-obligation-bonds-of-the-city-if  
 proceeds--therefrom--have-been-expended-for-capital-improvements-to  
 serve-such-particular-annexed-area,--so-long-as-any-such--bonds--are  
 outstanding.]

G [B]. When any such area is disannexed under [the  
 provisions-of] this Section, it shall not again be annexed within  
five (5) years [one-(1)-year] of such disannexation, and, if it is  
 again annexed within seven (7) [three-(3)] years of disannexation,  
 the period for implementation of a service plan [for-affording-such  
 services-as-are-required-by-this-Section] shall not exceed [be] one  
 (1) year from reannexation [rather-than-three-(3)-years-as-in-other  
 cases].

H [C]. The request and petition for disannexation provided  
 for in Subsection E [A] of this Section [of-this-Act] shall be made  
 by the qualified voters [and-landowners] signing and presenting to

1 the city secretary a written petition requesting disannexation.  
 2 The signatures to the petition need not be appended to one paper,  
 3 but each signer shall sign his or her name in ink or indelible  
 4 pencil, and each signer signing the petition as a qualified voter  
 5 shall sign his or her name as it appears on the official copy of  
 6 the current voter registration list [~~poll-list-or-an-official-copy~~  
 7 ~~of-the-current-list-of-exempt-voters~~] and each qualified voter  
 8 shall note on such petition his or her residence address and the  
 9 precinct number and serial number that appear on his or her [~~poll~~  
 10 ~~tax--receipt,--exemption--certificate,---or---such---other~~] voter  
 11 registration certificate that may be provided for by law. [~~Each~~  
 12 ~~landowner-signing-the-petition-shall-note-thereon-opposite--his--or~~  
 13 ~~her--name--the--approximate-total-acreage-he-or-she-owns-within-the~~  
 14 ~~particular--annexed--area.~~] The petition shall describe the  
 15 particular annexed area to be disannexed and have attached to it a  
 16 plat, map, or other likeness of the [~~particular~~] annexed area.  
 17 Prior to circulating the petition for disannexation among the  
 18 qualified voters [~~and-landowners~~], notice of the petition shall be  
 19 given by means of posting for ten (10) days a copy of the petition  
 20 in three (3) public places in the [~~particular~~] annexed area and by  
 21 publishing it for one (1) time [~~issue~~] in a newspaper or newspapers  
 22 of general circulation serving the [~~particular~~] annexed area at  
 23 least fifteen (15) days prior to the circulation of the petition.  
 24 Proof of posting and publication of the notice shall be made by  
 25 attaching to the petition presented to the city secretary: (1) the  
 26 sworn affidavit of any qualified voter who signed the petition  
 27 stating the places where and the dates when the petition was

1 posted, and (2) the sworn affidavit of the publisher of the  
2 newspaper or newspapers setting forth the name of the newspaper or  
3 newspapers and the issue and date in which the notice was  
4 published. [~~In--addition,--there-shall-be-attached-to-the-petition~~  
5 ~~the-sworn-affidavit-of-three-(3)-or-more-qualified--veters--signing~~  
6 ~~the--petition,--if--there-be-that-many,--stating-the-total-number-of~~  
7 ~~qualified-voters-residing-in-the-particular-annexed--area--and--the~~  
8 ~~approximate-total-acreage-within-such-particular-annexed-area-]~~

9 SECTION 3. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended,  
14 and that this Act take effect and be in force from and after its  
15 passage, and it is so enacted.

H.B. No. 1952

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1952 was passed by the House on May 12, 1981, by the following vote: Yeas 133, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1952 on June 1, 1981, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1952 was passed by the Senate, with amendments, on May 31, 1981, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

I. B. No. 1952

By LEWIS

A BILL TO BE ENTITLED

AN ACT

relating to annexation of, providing services to, and disannexation of certain areas.

MAY 12 1981

1. Filed with the Chief Clerk.

MAR 17 1981

2. Read first time and Referred to Committee on

**INTERGOVERNMENTAL AFFAIRS**

APR 30 1981

3. Reported favorably (as amended) (as substituted) and sent to Printer at 3:15 pm

APR 29 1981

MAY 1 1981

4. Printed and distributed at 11:32 am

MAY 1 1981

5. Sent to Committee on Calendars at 11:43 am

MAY 1 1981

6. Read second time (amended) passed to third reading (failed) by (Non-Record Vote) present, not voting

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

MAY 12 1981

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of 133 years, 4 nays, 1 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 12 1981

12. Ordered Engrossed at 11:51 am

MAY 12 1981

13. Engrossed.

MAY 12 1981

14. Returned to Chief Clerk at 12:57 pm

MAY 13 1981

15. Sent to Senate.

*Betty Murray*

Chief Clerk of the House

MAY 13 1981

16. Received from the House

MAY 14 1981

17. Read, referred to Committee on JURISPRUDENCE

18. Reported favorably

MAY 30 1981

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ years, \_\_\_\_\_ nays.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

23. Read second time Read before Senate amended passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

24. Caption ordered amended to conform to body of bill.

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

26. Read third time and passed by

(a viva voce vote.) 31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

27. Returned to the House.

28. Received from the Senate (With amendments.) (as substituted.)

29. House (Concurred) (Referred to Senator) in Senate (Amendments) (Substitute) by (Non-Record) present, (Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

32. Ordered Enrolled at 4:55 pm

1981 JUN -1 PM 4: 20  
HOUSE OF REPRESENTATIVES

1981 MAY 12 PM 12: 57

HOUSE OF REPRESENTATIVES

1617